



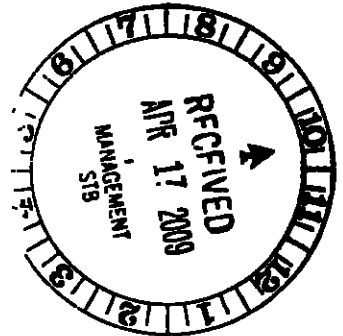
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Part of
Public Record

16 April 2009
by express
(original and ten copies for filing)



Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20024

224898

Re: Missouri-Kansas-Texas RR - Abandonment -
in St. Charles, et al. Counties, MO,
AB 102 (Sub-no. 13)

Dear Ms. Quinlan:

City of Boonville hereby advises the Board that it joins in the Motion to Provide and to Enforce Compliance with Section 106 filed by Rails to Trails Conservancy, et al. in the above-captioned proceeding. Under the regulations of the Advisory Council on Historic Preservation, as well as relevant case law such as Pit River Tribe v. U.S. Forest Service, 468 F.3d 768 (9th Cir. 2006), 36 C.F.R. Part 800, the STB as an agency must comply with the National Historic Preservation Act's (NHPA's) section 106 before an irretrievable commitment of resources.

Here, the Board's predecessor postponed any analysis of removal of the historic Boonville rail bridge until salvage of same was contemplated. Union Pacific Railroad, successor to the old "Katy," now clearly contemplates removal of the bridge, but this agency has not undertaken the requisite section 106 analysis. The fact that the Coast Guard, a separate agency, is purporting to engage in a "Section 106 review" in connection with bridge removal does not relieve the STB of its independent responsibility to comply with Section 106 in connection with the abandonment authorization. See Pit River Tribe v. U.S. Forest Service, 468 F.3d 768 (9th Cir. 2006).

For similar reasons, we do not believe that the National Environmental Policy Act's (NEPA's) review requirements have been met either. Alternatives to destruction should be reviewed in a legitimate NHPA and NEPA process before this agency, and steps

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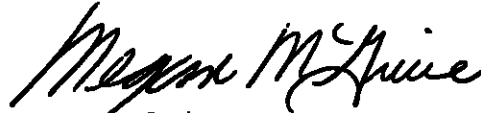
should be taken to prevent and neither assumed away, or frittered away by allowing destruction of the asset before the agency takes its "hard look," Id., (468 F.3d at 781). The City of Boonville is immediately adjacent to the historic bridge, and supports its retention intact for the benefit of the local community and the State of Missouri.

By our signatures below, we certify service upon counsel in the list attached by U.S. Mail, postage pre-paid, first class.

Very truly,



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